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August 24, 2009

**VIA E-FILING and MAIL**

The Honorable Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: *Brooklyn Information & Culture, Inc. v. The Brick Theater, Inc.***  
**Case No. 07-CV-2263 (FB)(RML)**

Dear Judge Levy:

We are counsel for BRIC Arts/Media/Bklyn, formerly known as Brooklyn Information & Culture, Inc. ("Plaintiff"), and write to request an immediate conference with the Court concerning Defendant's delay of arbitration in this matter.

In effort to resolve this matter, this Court extended numerous courtesies to Defendant, and this matter has already been delayed for months at a time so that Defendant would have an adequate opportunity to reconsider its position and perhaps select some other trademark that is less likely to be confused with Plaintiff's trademark. Plaintiff appreciates this Court's efforts and best intentions, yet this matter has not settled. Plaintiff is anxious to resolve this matter without any further delay by Defendant.

Today, the parties participated in a telephone conference with arbitrator, Kenneth Plevan, where important specifics about the arbitration were discussed and settled. The parties, however, were unable to agree upon a date for the arbitration. Although Plaintiff suggested any day during the week of October 5, 2009, which is acceptable to Mr. Plevan, Defendant seeks to delay arbitration until late October or beyond. For the first time, Defendant now alleges that its witness will be getting married soon and on holiday for the first three weeks in September. Quite frankly, this is no reason to delay arbitration, which the parties discussed and agreed to more than two months ago. Oddly, during those discussions neither Defendant nor its counsel informed Plaintiff or this Court that Defendant's witness had such long-standing plans.

Discovery, including extensive document production and deposition testimony, is now complete. Thus, Defendant's counsel has more than enough information and sufficient time to

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prepare pre-arbitration papers, exhibit binders, and its witness for arbitration. Indeed, we would be shocked (and disappointed) to learn that such preparation is not already underway.

Accordingly, on behalf of Plaintiff, we ask this Court to set a date for arbitration during the week of October 5, 2009.

We thank the Court for its consideration and attention to this matter.

Respectfully submitted,

GUZOV OFSINK, LLC

By:   
D. Reeves Carter

cc: Kevin Fee, Esq. (by e-mail)  
Kristin Altoff, Esq. (by e-mail)  
*Attorneys for Defendant*